

REMARKS
AND
STATEMENT RE: SUBSTANCE OF INTERVIEW

This application has been carefully reviewed in light of the Office Action dated June 13, 2006. Claims 138 to 153 are pending in the application, of which Claims 138, 142, 146, 150 and 152 are independent. Reconsideration and further examination are respectfully requested.

As an initial matter, Applicant thanks the Examiner for the courtesies extended to Applicant's representative in a telephonic interview on February 9, 2007. During that interview, the Examiner provided guidance regarding rejections under 35 U.S.C. § 101. In addition, Applicant's representative traversed the rejections under 35 U.S.C. § 103(a) over Nakahara and Kusomoto on the basis that Kusomoto fails to disclose the print counting means, determination means, initialization means, transmission means and repeating feature of Claim 138, and that Nakahara fails to disclose the repeating feature of Claim 138. The traversal is repeated in detail below. No agreement was reached regarding the claims.

In the present Office Action, Claims 138 and 142 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Reconsideration and withdrawal of this rejection are respectfully requested.

Furthermore, Claims 138 and 142 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,012,281 (Kusumoto) in view of U.S. Patent No. 5,172,244 (Nakahara). In addition, Claims 138 to 153 were rejected under 35 U.S.C. § 103(a) over

U.S. Patent No. 5,172,244 (Nakahara) in view of U.S. Patent No. 4,905,098 (Sakata).

Reconsideration and withdrawal of these rejections are respectfully requested.

Claims 138 and 142

During the interview, the Examiner stated that Claims 138 and 142 were rejected under 35 U.S.C. § 101 because they failed to positively recite the features of the invention and because no useful result was allegedly achieved. Without conceding the correctness of the rejection, Claims 138 and 142 have been amended to clarify that the output control apparatus is communicating, rather than being operable to communicate, with the information processing apparatus. Furthermore, the claims have been amended to clarify that the data processing apparatus sets a priority of the output control apparatus on the basis of the trouble count value indicating the number of troubles counted until the print count value reaches the predetermined value at said output control apparatus. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Regarding Claim 138, amended independent Claim 138 is directed to an output control apparatus communicating with an information processing apparatus via a network and controlling a printer. The output control apparatus comprises a print counting means for counting a print count value indicating a number of prints in response to delivery of a print sheet printed by the printer; a trouble counting means for counting a trouble count value indicating a number of print troubles of the printer; a determination means for determining whether or not the print count value counted by said print counting means reaches a predetermined value; a specifying means for, if said determination means

determines that the print count value counted by said print counting means reaches the predetermined value, specifying the trouble count value counted by said trouble counting means until the print count value reaches the predetermined value; a transmission control means for controlling transmission of trouble data including the trouble count value specified by said specifying means to the information processing apparatus via the network whereby the information processing apparatus recognizes the ratio of the number of print troubles to the number of prints indicated by the predetermined value; and initialization means for, if said determination means determines that the print count value counted by said print counting means reaches the predetermined value, initializing the trouble count value, wherein said transmission control means and said initialization means repeatedly perform transmission control and initialization, respectively, whenever said determination means determines that the print count value counted by said print counting means reaches the predetermined value.

Therefore, an output control apparatus in accordance with the present invention transmits, to the information processing apparatus, the trouble count value counted until the print count value reaches the predetermined value, e.g., the number of print troubles, such as jamming or the like, per the predetermined value, for example, one print trouble per 10 prints. To realize this, the output control apparatus is provided with a specifying means for, if said determination means determines that the print count value counted by said print counting means reaches the predetermined value, specifying the trouble count value counted by said trouble counting means until the print count value reaches the predetermined value, and a transmission control means for controlling transmission of trouble data including the trouble count value specified by said specifying

means to the information processing apparatus via the network whereby the information processing apparatus recognizes the ratio of the number of print troubles to the number of prints indicated by the predetermined value.

Claim 142 is a method claim substantially in accordance with Claim 138.

In contrast, Kusomoto discloses a jam counter including 3 separate values that are manipulated by Kusomoto in order to determine an overall jam count. A C_{PS} value is incremented each time a sheet of paper is fed from the sheet supply tray (Step B02 of Fig. 5). In the event of a successful feed operation, C_{PS} is decremented (Step B05 of Fig. 5). Furthermore, C_{PS} is used as a flag to increment jam values C_{J1} or C_{J2} at which time C_{PS} is cleared. (See Steps B11, B12 and B13 of Fig. 5). As C_{PS} is cleared when a sheet is actually discharged or the jam values are incremented, C_{PS} cannot possibly be analogous to the print counting means for counting a print count value indicating a number of prints in response to delivery of a print sheet printed by the printer as featured in Claim 138.

Furthermore, Kusumoto resets the number of print sheets supplied (C_{PS}) whenever the jam counter is incremented (B13). By way of example, if printing is performed on 10 sheets where jamming is detected for the fifth and seventh sheets, when the first jam is detected, the jam counter is incremented by one and C_{PS} is reset. When the second jam is detected, the jam counter is further incremented by one and C_{PS} is reset. Although the jam counter is maintained, C_{PS} is necessarily reset whenever the jam counter is incremented. Kusumoto therefore cannot specify the number of print troubles per a predetermined number of print sheets. Accordingly, it is also impossible for Kusumoto to recognize the ratio of the number of print troubles to the number of prints indicated by the predetermined value.

It is also a feature of the present invention that the trouble count value is initialized, if the determination means determines that the print count value reaches the predetermined value, and repeatedly initialized, whenever the determination means determines that the print count value reaches the predetermined value. In the Office Action it is contended that Kusomoto discloses an initialization means for, if the determination means determines that the print count value counted by the print counting means reaches the predetermined value, initializing the trouble count value, in Fig. 6A and its description at column 13, lines 16 to 28. However, Kusomoto merely discloses a manually operated clear/stop (C/S) switch operable by a user. Such a switch is not responsive to a determination means that determines that the print count value counted by the print counting means reaches the predetermined value. Therefore, the C/S switch of is not at all analogous to the initialization means of Claim 138.

In addition, the Office Action contends that Kusomoto discloses a transmission control means for controlling transmission of trouble data to the information processing apparatus at column 10, line 51, to column 11, line 32. Applicant disagrees with such a characterization of the cited portion of Kusomoto. Nowhere is there disclosed any sort of transmission between an output control apparatus and an information processing apparatus as featured in Claim 138.

Finally, the Office Action admits that Kusomoto fails to disclose repeatedly performing transmission control and initialization, respectively, whenever said determination means determines that the print count value counted by said print counting means reaches the predetermined value. The Office Action cites Nakahara as disclosing such a feature at column 4, lines 62 to 68. However, no such feature is disclosed. Instead,

the cited portions of Nakahara disclose that “pressing the mode clear key 518 restores the data stored in the area M10 to initial modes, i.e., those modes which will be set up automatically on the turn-on of a power switch.” (See column 4, lines 63 to 66). Such a mechanism is not at all analogous to the repeating feature of Claim 138 wherein the transmission control step and the initialization step are repeatedly performed whenever the determination means determines that the print count value counted by the print counting means reaches the predetermined value, as the mechanism of Nakahara is in no way responsive to a determination means or a count value.

Therefore, Nakahara and Kusomoto, either alone or in combination, cannot possibly disclose or suggest all of the features of Claim 138 because Kusomoto fails to disclose the specifying means, transmission means and repeating feature of Claim 138, and Nakahara fails to disclose at least the repeating feature of Claim 138. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under under 35 U.S.C. § 103(a) over Kusumoto in view of Nakahara.

Claims 138 to 153

In the present Office Action, the rejection of Claims 138 to 153 under 35 U.S.C. § 103(a) over Nakahara in view of Sakata were repeated almost identically with respect to the rejection in the previous Office Action. However, such a rejection failed to address the repeating feature in each of the independent claims. Specifically, each independent claim includes the features the transmission control means (or step) and the initialization means (or step) repeatedly performing transmission control and initialization,

respectively, whenever the determination means (or step) determines that the print count value counted by the print counting means (or step) reaches the predetermined value.

As noted above, Nakahara discloses a digital copier having a single image reader and a plurality of image writers which are cooperatively associated with each other, (column 1, lines 9 to 11 of Nakahara). The Office Action cites Nakahara as disclosing such a feature at column 4, lines 62 to 68. However, no such feature is disclosed. Instead, the cited portions of Nakahara disclose that “pressing the mode clear key 518 restores the data stored in the area M10 to initial modes, i.e., those modes which will be set up automatically on the turn-on of a power switch.” (See column 4, lines 63 to 66). Such a mechanism is not at all analogous to the repeating feature of Claim 138 wherein the transmission control step and the initialization step are repeatedly performed whenever the determination means determines that the print count value counted by the print counting means reaches the predetermined value, as the mechanism of Nakahara is in no way responsive to a determination means or a count value.

Thus, Nakahara and Sakata, neither alone nor in combination, disclose or suggest all of the features of amended independent Claim 138. In light of this deficiency in Nakahara and Sakata, Applicant submits that amended independent Claim 138 is now in condition for allowance and respectfully requests same.

Amended independent Claims 142, 146, 150, and 152 are a method, medium, system, and system method, respectively, corresponding to the apparatus of Claim 138. Therefore, Applicant submits that Claims 142, 146, 150, and 152 are now in condition for allowance and such action is respectfully requested.

The other pending claims in this application are each dependent from the independent claims discussed above and are therefore believed allowable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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